

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**STIPULATION REGARDING CLAIMS THAT ACCRUED BETWEEN NOVEMBER 27,
2014 AND JULY 31, 2018 AND VOLUNTARY DISMISSAL OF COX'S COUNTER-
CLAIMS**

WHEREAS Plaintiffs filed their Complaint (ECF No. 1) on July 31, 2018 alleging certain claims against Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox"), and seeking relief only for "claims of infringement that accrued from February 2013 through November 2014." ECF No. 1, Compl., ¶ 10.

WHEREAS Cox answered Plaintiffs' allegations and asserted certain Counterclaims on September 24, 2018. ECF No. 21.

WHEREAS Plaintiffs represented the following in briefing on their Motion to Dismiss Cox's Counterclaims: "Plaintiffs take no position on the propriety of Cox's actions after November 2014; but Plaintiffs are also not trying to leave open the possibility of a second lawsuit for a later period. In any event, to avoid doubt Plaintiffs expressly represent that, in this litigation or otherwise, they will not pursue claims against Cox for copyright infringement of Plaintiffs' works, arising from activities that took place through Cox's network between November 27, 2014 and the filing of the Complaint." ECF No. 33 at 12; ECF No. 33-1 (Declaration of Jeffrey M. Gould), ¶ 3.

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Cox (collectively, the "Parties") that Plaintiffs shall not pursue claims against Cox, in this litigation or otherwise, for copyright infringement of Plaintiffs' works, arising from activities that took place through Cox's network between November 27, 2014 and July 31, 2018.

IT IS FURTHER STIPULATED AND AGREED by and between the Parties that Cox hereby voluntarily dismisses its Counterclaims with prejudice.

IT IS FURTHER STIPULATED AND AGREED by and between the Parties that this Stipulation is a compromise of claims that accrued on or after November 27, 2014 and is not relevant to Plaintiffs' claims that accrued before November 27, 2014. Accordingly, this Stipulation and/or the fact of this Stipulation may not be used for any purpose in this litigation or otherwise, except to enforce the Stipulation itself, or if an issue arises in this litigation about the fact that Cox's counterclaims were voluntarily dismissed, in order to explain the context of the dismissal.

Dated: November 5, 2018

Respectfully submitted,

/s/ Scott A. Zebrak

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**ORDER REGARDING CLAIMS THAT ACCRUED BETWEEN NOVEMBER 27, 2014
AND JULY 31, 2018 AND DISMISSAL OF COX'S COUNTERCLAIMS**

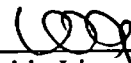
IT IS HEREBY ORDERED that Plaintiffs shall not pursue claims against Cox, in this litigation or otherwise, for copyright infringement of Plaintiffs' works, arising from activities that took place through Cox's network between November 27, 2014 and July 31, 2018.

IT IS FURTHER ORDERED that Cox's Counterclaims are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that this Order, and the Parties' Stipulation thereto, is a compromise of claims that accrued on or after November 27, 2014 and is not relevant to Plaintiffs' claims that accrued before November 27, 2014. Accordingly, this Stipulation and/or the fact of this Stipulation may not be used for any purpose in this litigation or otherwise, except to enforce the Stipulation itself, or if an issue arises in this litigation about the fact that Cox's counterclaims were voluntarily dismissed, in order to explain the context of the dismissal.

ENTERED this 5th day of November, 2018

Alexandria, Virginia



The Honorable Liam O'Grady
United States District Judge
Eastern District of Virginia